

DIVISION IV

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
TERRY CRABTREE, JUDGE

CACR 04-1299

June 28, 2006

MICHAEL C. MYERS

APPELLANT

APPEAL FROM THE CIRCUIT COURT OF  
JACKSON COUNTY  
[NO. CR-03-147]

HONORABLE HAROLD S. ERWIN,  
JUDGE

V.

REBRIEFING ORDERED

STATE OF ARKANSAS

APPELLEE

The appellant Michael Myers was found guilty by a jury of first-degree murder and was sentenced to a term of thirty years in prison. Counsel has filed a motion to withdraw and an accompanying brief asserting that the appeal is wholly frivolous. In an unpublished opinion dated January 11, 2006, we ordered rebriefing based on the determination that counsel had not fulfilled the requirements of Ark. Sup. Ct. R. 4-3(j), and the decision in *Anders v. California*, 386 U.S. 738 (1967). We found the following deficiencies:

First, the abstract shows that appellant objected to exhibits 15 and 16 offered by the State, which were photographs taken of the deceased at the hospital, but counsel has not discussed the trial court's decision overruling these objections. Secondly, the abstract reveals that appellant objected to photographs taken of the crime scene, but counsel has not discussed the trial court's adverse ruling on this objection in his brief. Finally, the record shows that appellant raised objections to exhibits 28, 29, 30 and 31, which were autopsy photographs. Counsel has not abstracted his entire objection to these

exhibits and has discussed only his objections to exhibits 30 and 31.

In the brief counsel has now submitted, counsel has, as directed, included a discussion of the trial court's adverse ruling with regard to exhibits 28 and 29. Counsel has failed, however, to discuss, as ordered, the adverse rulings with regard to exhibits 15 and 16, nor has he discussed the adverse ruling with regard to the photographs of the crime scene that were admitted into evidence. For counsel's benefit, the objection to exhibits 15 and 16 and the trial court's ruling are found at page 12 of the abstract, and page 96 of the record. The objection to the crime scene photographs and the trial court's ruling are found at pages 9 and 10 of the abstract, and page 90 of the record.

Because counsel has once again failed to submit a complying brief, we order rebriefing. Counsel has fifteen days from the date of this opinion to submit a substituted brief.

Rebriefing ordered.

VAUGHT and BAKER, JJ., agree.

